

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	Civil No. 05-10401-RCL
)	
)	
DELIA J. BAEZ,)	
Defendant)	
_____)	

DECLARATION OF ANITA JOHNSON

1. I represent the Plaintiff United States in this action.
2. Defendant is not an infant or incompetent person.
3. Defendant is not in the military service, as indicated by the statement of Robert U. Brandewie, Director, Manpower Data Center, U.S. Department of Defense, attached as Exhibit A to this Declaration.
4. Defendant was served with a summons and the complaint on March 15, 2005 at 11:30 am and 12:05 pm as appears from the proof of service attached as Exhibit B. In addition, I sent by first class mail three letters to William Keefe, Esq., an attorney who represents Defendant in another civil matter in which the United States is a party, on November 12, 2004, notifying him of this office's False Claims Act investigation of Delia J. Baez, on March 11, 2005, notifying him of this action and enclosing a copy of the summons and complaint, and on March 28, 2005, identifying the amount of Medicaid assistance received by Baez as a result of false statements.
5. More than sixty days have passed since service of the summons and complaint and defendant has failed to plead, enter an appearance or otherwise defend.
6. The claim against defendant is for the principal sum of \$46,608, to be multiplied by three as provided by the False Claims Act, 31 U.S.C. § 3729(a), for a subtotal total of \$139,824; see Exhibit C; and a penalty of \$5500 for each of twenty six false claims; see paragraphs five and seven of the complaint; for a subtotal of \$143,000, together a total of \$282,824, together with post-judgment interest calculated as set forth in 28 U.S.C. § 1920.

I swear that the foregoing is true and correct to the best of my knowledge, on this 15th day of August, 2005.

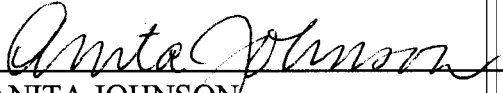
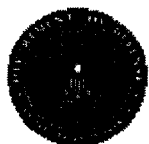

ANITA JOHNSON
Assistant U.S. Attorney

EXHIBIT A

Department of Defense Manpower Data Center

AUG-15-2005 10:06:41

Military Status Report
Pursuant to the Service Members' Civil Relief Act

◀ Last Name	First/Middle	Begin Date	Active Duty Status	Service/Agency
BAEZ		Based on the information you have furnished, the DMDC does not possess any information indicating that the individual is currently on active duty.		

Upon searching the information data banks of the Department of Defense Manpower Data Center, the above is the current status of the individual, per the Information provided, as to all branches of the Military.

Robert J. Brandewie, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The Department of Defense strongly supports the enforcement of the Service Members Civil Relief Act [50 USCS Appx. §§ 501 et seq] (SCRA) (formerly the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are most strongly encouraged to contact us by Fax at (703-696-4156) or by phone at (703-696-6762). We will then conduct further research. Your failure to re-contact DMDC may cause provisions of the SCRA to be invoked against you.

This response reflects current active duty status only. For historical information, please contact the military services SCRA point of contact.

See: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>.

Report ID: **BYAJGPBLYJL**

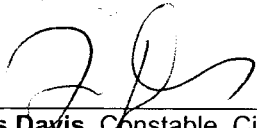
EXHIBIT B

UNITED STATES DISTRICT COURT

I hereby certify and return that today, March 15, 2005, at 11:30 AM, I served a true and attested copy of the within Summons together with a copy of the complaint in this action upon the within named Delia J. Baez, by leaving said copies at 93 Cummins Highway, Roslindale, MA 02131 *his/her* last and usual abode. Furthermore, later this same day I mailed (first class postage prepaid) additional true and attested copies to the within named Delia J. Baez, at 93 Cummins Highway, Roslindale, MA 02131.

In hand service attempted as follows: 3/4/05 -- no answer; 3/8/05--no answer; 3/11/05--no answer.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing information is true and correct. Executed on March 15, 2005.



Francis Davis, Constable, City of Boston
& Disinterested Person over Age 18.

Service & Travel:\$180.00

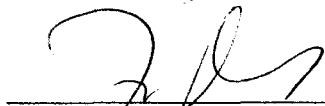
Butler and Witten
Boston, MA
(617) 325-6455

UNITED STATES DISTRICT COURT

I hereby certify and return that today, March 15, 2005, at 12:05 PM, I served a true and attested copy of the within Summons together with a copy of the complaint in this action upon the within named Delia J. Baez, by giving in hand to Ms. Siroid Agent in Charge. Said service was effected at: 3381-83 Washington Street, Jamaica Plain, MA 02130.

In hand service attempted as follows: 3/4/05--this address is a restaurant--personnel here said Ms. Baez was in Santa Domingo until 3/7/05; 3/8/05--personnel here said Ms. Baez was still out of town; 3/11/05; personnel here said Ms. Baez was not in; on 3/15/05 at 12:05 PM, service made as noted above; Ms. Siroid was the only person working at the time of service.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing information is true and correct. Executed on March 15, 2005.



Francis Davis, Constable, City of Boston
& Disinterested Person over Age 18.

Service & Travel:\$180.00

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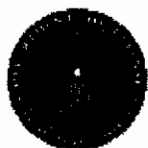
EXHIBIT C

<u>Type of Assistance</u>	<u>Time Period</u>	<u>Total Overpayment Amount</u>	<u>Amount Federal Government Paid</u>	<u>Evidence</u>
<u>Medicaid</u> MassHealth Benefits	September 2002 - May 2004	\$17,614	\$8,807	Statement Complaint - ¶ 9
<u>Transitional Assistance</u> Transitional Aid to Families and Dependant Children benefits	September 2002 - May 2004	\$9,320	\$9,320	Statement Complaint - ¶ 8
<u>Transitional Assistance</u> Food Stamps benefits	September 2002 - May 2004	\$2,962	\$2,962	Statement Complaint - ¶ 8
<u>Rental Assistance</u> Boston Housing Authority	September 2001 - May 2004	\$51,038	\$25,519	Complaint - ¶ 6
Total Payment to Baez by Federal Government:			\$46,608	

EXHIBIT A

Department of Defense Manpower Data Center

AUG-15-2005 10:06:41



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